

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:23-cv-07779-MKV

Securities and Exchange Commission v. Koski
Assigned to: Judge Mary Kay Vyskocil
Cause: 15:77 Securities Fraud

Date Filed: 09/01/2023
Date Terminated: 03/06/2024
Jury Demand: Plaintiff
Nature of Suit: 850 Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

Plaintiff

Securities and Exchange Commission

represented by **Christopher Mario Colorado**
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Antonia Marie Apps
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V.

Defendant

Jeremy Koski

represented by **Jeremy Koski**
P.O. Box 1424
Kapaau, HI 96755
Email: jsk1978@gmail.com
PRO SE

Date Filed	#	Docket Text
09/01/2023	<u>1</u>	

COMPLAINT against Jeremy Koski. Document filed by Securities and Exchange Commission..(Apps, Antonia) (Entered: 09/01/2023)

09/01/2023	<u>I 2</u>	CIVIL COVER SHEET filed..(Apps, Antonia) (Entered: 09/01/2023)
09/01/2023	<u>I 3</u>	NOTICE OF APPEARANCE by Christopher Mario Colorado on behalf of Securities and Exchange Commission..(Colorado, Christopher) (Entered: 09/01/2023)
09/01/2023	<u>I 4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Jeremy Koski, re: <u>1</u> Complaint. Document filed by Securities and Exchange Commission..(Colorado, Christopher) (Entered: 09/01/2023)
09/05/2023	<u>I</u>	***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Antonia Marie Apps. The following case opening statistical information was erroneously selected/entered: County code Albany. The following correction(s) have been made to your case entry: the County code has been modified to New York. (sj) (Entered: 09/05/2023)
09/05/2023	<u>I</u>	CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Mary Kay Vyskocil. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions..(sj) (Entered: 09/05/2023)
09/05/2023	<u>I</u>	Magistrate Judge Jennifer Willis is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (sj) (Entered: 09/05/2023)
09/05/2023	<u>I</u>	Case Designated ECF. (sj) (Entered: 09/05/2023)
09/05/2023	<u>I 5</u>	ELECTRONIC SUMMONS ISSUED as to Jeremy Koski. (sj) (Entered: 09/05/2023)
09/05/2023	<u>I 6</u>	NOTICE OF APPEARANCE by Mariel Bronen on behalf of Securities and Exchange Commission..(Bronen, Mariel) (Entered: 09/05/2023)
10/02/2023	<u>I 7</u>	WAIVER OF SERVICE RETURNED UNEXECUTED as to Jeremy Koski. Document filed by Securities and Exchange Commission..(Colorado, Christopher) (Entered: 10/02/2023)
10/02/2023	<u>I 8</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Jeremy Koski served on 9/28/2023, answer due 10/19/2023. Service was accepted by Pastor Salvatore Carrera, Director of Faith House. Document filed by Securities and Exchange Commission..(Colorado, Christopher) (Entered: 10/02/2023)
10/27/2023	<u>I 9</u>	LETTER MOTION for Extension of Time to File Answer <i>and Status Update</i> addressed to Judge Mary Kay Vyskocil dated 10/27/2023. Document filed by Securities and Exchange Commission..(Colorado, Christopher) (Entered: 10/27/2023)
10/30/2023	<u>I 10</u>	ORDER granting <u>9</u> Letter Motion for Extension of Time to Answer re <u>9</u> LETTER MOTION for Extension of Time to File Answer <i>and Status Update</i> addressed to Judge Mary Kay Vyskocil dated 10/27/2023., <u>1</u> Complaint. Granted. SO ORDERED. Jeremy Koski answer due 12/14/2023. (Signed by Judge Mary Kay Vyskocil on 10/30/2023) (tg) (Entered: 10/30/2023)
12/19/2023	<u>I 11</u>	ANSWER to <u>1</u> Complaint. Document filed by Jeremy Koski.(sc) (Entered: 12/20/2023)
01/02/2024	<u>I 12</u>	NOTICE INITIAL PRETRIAL CONFERENCE: The parties shall dial (646) 453–4442 and use Conference ID 370 394 694#. As further set forth by this Order. SO ORDERED. Initial Conference set for 2/2/2024 at 11:30 AM before Judge Mary Kay Vyskocil. (Signed by Judge Mary Kay

Vyskocil on 1/2/2024) (tg) (Entered: 01/02/2024)

01/26/2024	<u>I 13</u>	LETTER addressed to Judge Mary Kay Vyskocil from Securities and Exchange Commission dated 1/26/2014 re: Pursuant to Notice of Initial Pretrial Conference (Dkt. No. 12). Document filed by Securities and Exchange Commission..(Colorado, Christopher) (Entered: 01/26/2024)
01/26/2024	<u>I 14</u>	PROPOSED CASE MANAGEMENT PLAN. Document filed by Securities and Exchange Commission..(Colorado, Christopher) (Entered: 01/26/2024)
01/29/2024	<u>I 15</u>	ORDER The Court is in receipt of the materials filed by Plaintiff in advance of the remote Initial Pretrial Conference scheduled in this matter for February 2, 2024 at 11:30 AM. [ECF Nos. 13, 14]. Plaintiff advises that Defendant did not participate in the drafting or submission of these materials despite Plaintiff's several attempts to seek Defendant's input and consent, and in violation of the Court's January 2, 2024 Order, which requires a joint submission. [See ECF Nos. 12, 13]. IT IS HEREBY ORDERED that the Initial Pretrial Conference will proceed as scheduled. The parties shall dial (646) 453-4442 and use Conference ID 370 394 694#. Plaintiff is DIRECTED to again advise Defendant of the Initial Pretrial Conference by e-mail and to attach a copy of this Order to such correspondence. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 1/29/2024) (jca) (Entered: 01/29/2024)
02/02/2024	<u>I</u>	Minute Entry for proceedings held before Judge Mary Kay Vyskocil: Initial Pretrial Conference held on 2/2/2024. (rz) (Entered: 02/02/2024)
02/05/2024	<u>I 16</u>	CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). This case is to be tried to a jury. Any motion to amend or to join additional parties shall be filed within 30 days from the date of this Order. The parties have discussed settlement and the use of alternate dispute resolution. The Court will refer the parties to the Court's Mediation Program by separate Order. The parties should plan for a trial of no longer than 3 days. Plaintiff must produce to Defendant any and all discovery received from third parties. A further remote Initial Pretrial Conference is scheduled for February 27, 2024 at 4:00 PM. The Court will circulate dial-in details by separate Order. Deposition due by 5/24/2024. Fact Discovery due by 5/24/2024. Expert Discovery due by 7/23/2024. Initial Conference set for 2/27/2024 at 04:00 PM before Judge Mary Kay Vyskocil. Telephone Conference set for 7/30/2024 at 11:00 AM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Mary Kay Vyskocil. (Signed by Judge Mary Kay Vyskocil on 2/5/2024) (tg) Modified on 2/21/2024 (tg). (Entered: 02/05/2024)
02/05/2024	<u>I 17</u>	SCHEDULING ORDER: A further remote Initial Pretrial Conference is scheduled in this matter for February 27, 2024 at 4:00 PM EST. [See ECF No. 16]. The Conference will be held via Microsoft Teams. The parties are DIRECTED to dial (646) 453-4442 and use Conference ID 349 519 653#. Plaintiff is DIRECTED to advise the pro se Defendant of the Conference by e-mail and to attach a copy of this Order to such correspondence. The Clerk of Court is respectfully requested to mail a copy of this Order to the pro se Defendant at the address of record. SO ORDERED. Initial Conference set for 2/27/2024 at 04:00 PM before Judge Mary Kay Vyskocil. (Signed by Judge Mary Kay Vyskocil on 2/5/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 02/05/2024)
02/05/2024	<u>I</u>	MAILING RECEIPT: Document No: 17. Mailed to: Jeremy Koski 702 Puuhale Rd. Honolulu, HI 96819. (sha) (Entered: 02/05/2024)
02/05/2024	<u>I 18</u>	MEDIATION REFERRAL ORDER: IT IS HEREBY ORDERED that this case is referred for mediation to the Court-annexed Mediation Program. The parties are notified that Local Rule 83.9 shall govern the mediation and are directed to participate in the mediation in good faith. The mediation will have no effect upon any scheduling Order issued by this Court without leave of this Court. The Mediation Program is informed that the Court, by separate Order, has advised the pro se Defendant that the Court is prepared to work with Defendant to assist him in obtaining counsel.

Defendant is due to request pro bono counsel, or to inform the Court that he has obtained counsel, by February 20, 2024. Plaintiff is DIRECTED to serve a copy of this Order upon Defendant by e-mail. The Clerk of Court is respectfully requested to mail a copy of this Order to the pro se Defendant at the address of record. SO ORDERED. Please reference the following when corresponding with the Mediation Office. E-mail MediationOffice@nysd.uscourts.gov, telephone (212) 805-0643, and facsimile (212) 805-0647. Mediator to be Assigned by 2/20/2024. (Signed by Judge Mary Kay Vyskocil on 2/5/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 02/05/2024)

02/05/2024	<u>19</u>	ORDER: The following issues were on the agenda and discussed at the Conference: 1. The Court is prepared to work with Defendant to obtain counsel, but the Court cannot appoint counsel in a civil case. Defendant is DIRECTED to provide information regarding his financial ability to obtain counsel by completing and filing the attached Application for the Court to Request Pro Bono Counsel and Application to Proceed Without Prepaying Fees or Costs, or otherwise advise the Court if he has retained or intends to retain counsel, by February 20, 2024. Defendant is FURTHER DIRECTED to sign up for ECF notifications so that he is aware of Court orders and filings in this case. 2. Although venue is proper in the Southern District of New York, the Court raised sua sponte the issue of whether this case might more appropriately be brought in the District of Hawaii, where Defendant resides, or another District. It is HEREBY ORDERED that on or before February 20, 2024, the parties shall submit letter briefs, not to exceed four pages each, addressing whether the Court should transfer this case under the doctrine of forum non conveniens and pursuant to 28 U.S.C. § 1404(a). See Tasciotti v. Trew, No. 20 CV 6661 (NSR), 2021 WL 2456910, at *2 (S.D.N.Y. June 16, 2021) (Even if venue is proper, a district court may sua sponte transfer an action in the interest of justice and for the convenience of the parties and witnesses to any other district where it might have been brought.); MRP, LLC v. Barr & Barr, Inc., No. 11 CIV. 0896 (DAB), 2011 WL 13266913, at *1 (S.D.N.Y. Mar. 7, 2011) ([C]ourts may sua sponte transfer cases for forum non conveniens under 28 U.S.C. § 1404(a) where the interests of justice would be best served by doing so. (internal quotation marks omitted)). 3. The Court has separately entered the Case Management Plan and Scheduling Order (as annotated) [ECF No. 16] and an Order of Reference to the Courts Mediation Program [ECF No. 18], both of which the Court understands were discussed and shared in draft form with Defendant prior to the Initial Pretrial Conference, without any response or comments from Defendant. 4. As noted in the Case Management Plan and Scheduling Order [ECF No. 16], the Court DIRECTED Plaintiff to share with Defendant all discovery obtained from third parties, without any need for Defendant to request such materials. 5. The Court has scheduled a further remote Initial Pretrial Conference for February 27, 2024 at 4:00 PM EST. The Conference will be held via Microsoft Teams. The parties shall dial (646) 453-4442 and use Conference ID 349 519 653#. [See ECF Nos. 16, 17]. Plaintiff is DIRECTED to serve a copy of this Order upon Defendant by e-mail. The Clerk of Court is respectfully requested to mail a copy of this Order to the pro se Defendant at the address of record. SO ORDERED. (Brief due by 2/20/2024., Motions due by 2/20/2024., Initial Conference set for 2/27/2024 at 04:00 PM before Judge Mary Kay Vyskocil.) (Signed by Judge Mary Kay Vyskocil on 2/5/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 02/05/2024)
02/06/2024	<u>1</u>	MAILING RECEIPT: Document No: 18-19. Mailed to: Jeremy Koski 702 Puuhale Rd. Honolulu, HI 96819. (sha) (Entered: 02/06/2024)
02/13/2024	<u>1</u>	Set/Reset Mediation Case Tracking Deadlines: Mediator to be Assigned by 3/13/2024. (rpr) (Entered: 02/13/2024)
02/14/2024	<u>20</u>	CONSENT TO ELECTRONIC SERVICE. Document filed by Jeremy Koski. (sc) (Entered: 02/16/2024)
02/20/2024	<u>21</u>	LETTER addressed to Judge Mary Kay Vyskocil from Christopher Colorado dated 2/20/2024 re: the Court's Order Directing the Parties to Submit Letter Briefs Addressing Forum Non Conveniens [ECF No. 19]. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u>

02/26/2024	<u>I</u> <u>22</u>	ORDER: IT IS ORDERED, ADJUDGED, AND DECREED that this civil action is transferred to the District of Hawaii pursuant to 28 U.S.C. § 1404(a). The Clerk is requested to take all necessary steps to effectuate the transfer and to close this case on the docket of the Southern District of New York. (Signed by Judge Mary Kay Vyskocil on 2/26/2024) (tg) Transmission to Office of the Clerk of Court for processing. (Entered: 02/26/2024)
02/26/2024	<u>I</u> <u>23</u>	ORDER: In light of the pending transfer of this case to the District of Hawaii [ECF No. 22], the remote Initial Pretrial Conference scheduled for February 27, 2024 at 4:00 PM [ECF No. 19] is ADJOURNED sine die. Plaintiff is DIRECTED to serve a copy of this Order upon Defendant by e-mail. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 2/26/2024) (tg) (Entered: 02/26/2024)
02/28/2024	<u>I</u> <u>24</u>	APPLICATION, Re: for the Court to Request Pro Bono Counsel. Document filed by Jeremy Koski.(sc) (Entered: 02/29/2024)
02/28/2024	<u>I</u> <u>25</u>	APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS. Document filed by Jeremy Koski.(sc) (Entered: 02/29/2024)
03/06/2024	<u>I</u>	CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – District of District of Hawaii.(tg) (Entered: 03/06/2024)